

Nixon, Andrea (DPU)

From: Shaun A. Suhoski [ta@ayer.ma.us]
Sent: Friday, September 08, 2006 4:55 PM
To: Andrea.Nixon@state.ma.us.
Cc: Frank Maxant; Pauline Conley; Gary Luca; 'McCreary, Carolyn'; 'Janet Lewis '
Subject: Town of Ayer - Opposed to Petition CTV 06-1

Andrea,

Following is an electronic version of correspondence unanimously endorsed by the Ayer Board of Selectmen on September 5 stating their opposition to the Verizon petition (CTV 06-1). The original, signed document will be forthcoming next week.

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September 8, 2006

Ms. Andrea Nixon, Clerk
 Cable Television Division
 One South Station
 Boston, MA 02110

RE: Opposition to Petition CTV 06-1

Ladies and Gentlemen:

This correspondence shall serve as evidence of the Ayer Board of Selectmen's unanimous opposition to the above-referenced proposal.

One of the success stories in Massachusetts is the track record that local officials have as the lead public negotiators for local cable and video services.

Verizon Communications is now asking state regulators in Boston to change the rules to benefit their company, but if the telecommunications giant is successful, cities and towns will lose the power they need to promote robust competition and ensure that cable services will be available to all consumers.

That's why we encourage the DTE to oppose this harmful proposal.

Municipal officials are responsible for ensuring that cable companies are held accountable for the use of public rights of ways as they lay their wires and infrastructure, and that they reimburse taxpayers for this private use of public ways. Equally important, local officials ensure that cable companies provide adequate local public access programming, and build out their networks to all parts of the community and all households. As Verizon enters into the cable and video services market, they are lobbying state agencies, legislators and even the U.S. Congress in an effort to limit their accountability to these local needs.

Verizon has asked the state Department of Telecommunications and Energy's Cable Division to change the rules and prevent cities and towns from having enough time and leverage to negotiate a local license. Their proposed petition would eliminate the current one-year timeframe that has worked well for decades, and require a municipality to hold a

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public hearing on an application within 60 days of the filing, and then allow only 30 days from the time of the hearing to approve or disapprove the application and issue the actual license in case of approval.

Local officials eagerly invite greater competition and expansion of video services here in Massachusetts, and we want to make sure that it will be true and fair competition that will benefit all citizens, not just one company. It is impossible to conclude a proper license application review, draft the license agreement and negotiate the terms of the agreement in this short a time, especially if the company resists pro-consumer provisions. A stringent timeline may be in Verizon's best interests, but local government officials have a duty to represent the public interest of their community and all its residents.

Massachusetts cities and towns are able to negotiate with their local cable providers on issues relating to the particular needs of the community, whether the community will have a cable TV studio for local access programming, whether the schools will be wired or whether municipal buildings will be networked. These are all issues that can only be addressed by local communities and will be seriously impacted if these rules are approved.

Local officials also want to ensure that there is no discrimination locally and want to guarantee that all their residents benefit from competition. Under Verizon's proposal, cities and towns will be frozen out of the process. This practice is the opposite of what needs to be done to ensure cable provider accountability to communities and citizens.

The bottom line is that cities and towns strongly support greater competition because it should lead to more affordable and expanded services for all residents.

We oppose the Verizon proposal because it would guarantee neither, and would reduce our ability to protect our community and all our residents.

Sincerely,

AYER BOARD OF SELECTMEN

Frank F. Maxant, Chairman

Pauline Conley, Vice Chairman

Carolyn L. McCreary, Clerk

Gary J. Luca, Member

Cornelius F. Sullivan, Member